



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fernand LABRIE

Date: April 28, 2006

Serial No.: 10/052,803

Confirmation No.: 3989

Filed: November 7, 2001

Group Art Unit: 1617

For: SELECTIVE ESTROGEN RECEPTOR MODULATORS IN COMBINATION WITH ESTROGENS

Mail Stop AF

Commissioner for Patent

P.O. Box 1450

Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated October 28, 2005 of the Primary Examiner finally rejecting claims 1-2, 13-19, 22-23 and 35-41.

The Appeal Fee (\$500 - Non-Small Entity; \$250 - Small Entity) is

☒ Enclosed (Check No. 24448)

☐ Not required (fee paid in prior appeal)

☐ Charge to Deposit Account No. 15-0700

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700. In the event that the actual Appeal Fee is greater than the payment submitted herewith or is not enclosed, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 28, 2006:

April 28, 2006

Name of applicant, assignee or
Registered Representative

Signature

April 28, 2006

Date of Signature

WOG:db

Respectfully submitted,

05/03/2006 BABRAHA1 00000084 10052803

02 FC:1401

500.00 0P

William O. Gray, III

Registration No.:30,944

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700